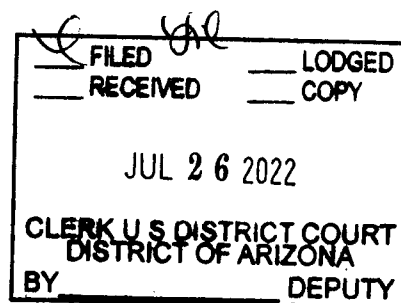


1 COREY R. AMUNDSON
 Chief, Public Integrity Section
 2 Criminal Division, U.S. Department of Justice
 TANYA SENANAYAKE
 3 Trial Attorney, Public Integrity Section
 D.C. Bar No. 1006218
 4 Criminal Division, U.S. Department of Justice
 1301 New York Ave. 10th Floor
 5 Washington, DC 20530
 Telephone: 202-514-1412
 6 Email: Tanya.Senanayake@usdoj.gov



SEALED

7 GARY M. RESTAINO
 United States Attorney
 8 District of Arizona
 SEAN K. LOKEY
 9 Assistant United States Attorney
 Arizona State Bar No. 033627
 10 Two Renaissance Square
 40 N. Central Ave., Suite 1800
 11 Phoenix, Arizona 85004
 Telephone: 602-514-7500
 12 Email: sean.lokey@usdoj.gov

13 *Attorneys for Plaintiff*

14 IN THE UNITED STATES DISTRICT COURT
 15 FOR THE DISTRICT OF ARIZONA

16 United States of America,
 17
 18 Plaintiff,

19 vs.

20 James W. Clark,
 21
 22 Defendant.

No. CR-22-00889-PHX-MTL (JZB)

INDICTMENT

VIO: 18 U.S.C. § 844(e)
 (Bomb Threat)
 Count 1

18 U.S.C. § 1038(a)
 (Bomb Hoax)
 Count 2

18 U.S.C. § 875(c)
 (Interstate Threat)
 Count 3

25 **THE GRAND JURY CHARGES:**

26 **BACKGROUND ALLEGATIONS**

27 1. At all times relevant to the indictment, VICTIM-1 was an election official
 28 who worked at the Arizona Secretary of State's Office.

1 2. On or about February 14, 2021, the defendant JAMES W. CLARK utilized
2 a web browser to search for the address of VICTIM-1 and “how to kill” VICTIM-1.

3 3. On or about February 18, 2021, the defendant JAMES W. CLARK utilized
4 a web browser to search for “fema boston marathon bombing” and “fema boston marathon
5 bombing plan digital army.”

6 **COUNT 1**
7 **18 U.S.C. § 844(e)**
8 **(BOMB THREAT)**

9 4. On or about February 14, 2021, in the District of Arizona and elsewhere, the
10 defendant JAMES W. CLARK, through the use of an instrument of interstate commerce,
11 and in and affecting interstate commerce, willfully made a threat, and maliciously
12 conveyed false information knowing the same to be false, concerning an attempt and
13 alleged attempt being made, and to be made, to kill, injure, and intimidate any individual
14 and unlawfully to damage and destroy a building and other real and personal property by
15 means of an explosive, specifically, the defendant sent the following language via the web
16 form of the Elections Division, Arizona Secretary of State’s Office, addressed to VICTIM-
17 1: “Your attorney general needs to resign by Tuesday February 16th by 9 am or the
18 explosive device impacted in her personal space will be detonated.”

19 In violation of Title 18, United States Code, Section 844(e).

20 **COUNT 2**
21 **18 U.S.C. § 1038(a)**
22 **(BOMB HOAX)**

23 5. On or about February 14, 2021, in the District of Arizona and elsewhere, the
24 defendant JAMES W. CLARK, did intentionally convey false and misleading information,
25 to wit, a message sent via a web contact form containing a threat to detonate an explosive
26 device, under circumstances where such information may reasonably be believed and
27 where such information indicated that an activity had taken, was taking, and would take
28 place, to wit, the detonation of an explosive device in government facilities, that would

1 constitute a violation of Title 18, United States Code, chapter 113B, particularly Title 18,
 2 United States Code, Section 2332f, specifically, the defendant sent the following language
 3 via the web form of the Elections Division, Arizona Secretary of State's Office, addressed
 4 to VICTIM-1: "Your attorney general needs to resign by Tuesday February 16th by 9 am
 5 or the explosive device impacted in her personal space will be detonated."

6 In violation of Title 18, United States Code, Section 1038(a).

7
 8 **COUNT 3**
 9 **18 U.S.C. § 875(c)**
 10 **(INTERSTATE THREAT)**

11 6. On or about February 14, 2021, in the District of Arizona and elsewhere, the
 12 defendant JAMES W. CLARK, with the intent to communicate a true threat to injure
 13 another person and with knowledge that the communication would be viewed as a true
 14 threat to injure another person, knowingly transmitted a communication in interstate and
 15 foreign commerce containing a true threat to injure the person of another by stating the
 16 following in a message transmitted via the web form of the Elections Division, Arizona
 17 Secretary of State's Office, addressed to VICTIM-1: "Your attorney general needs to resign
 18 by Tuesday February 16th by 9 am or the explosive device impacted in her personal space
 19 will be detonated."

20 In violation of Title 18, United States Code, Section 875(c).

21 A TRUE BILL

22 s/
 23 FOREPERSON OF THE GRAND JURY
 Date: July 26, 2022

24 GARY M. RESTAINO
 25 United States Attorney
 District of Arizona

COREY R. AMUNDSON
 Chief, Public Integrity Section
 Criminal Division, U.S. Department of Justice

26 s/
 27 SEAN K. LOKEY
 Assistant U.S. Attorney
 District of Arizona

s/
 TANYA SENANAYAKE
 Trial Attorney, Public Integrity Section
 Criminal Division, U.S. Department of Justice